

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOSHUA KALEB MICHAEL GONZALES

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 5:23-cv-00001-DCB-BWR

SHERIFF JAMES BRUMFIELD, et al.

DEFENDANTS

ORDER

Joshua Kaleb Michael Gonzales ("Plaintiff"), proceeding pro se, filed this matter under 42 U.S.C. § 1983. [ECF No. 1]. Currently before the Court is Magistrate Judge Bradley W. Rath's Report and Recommendation. [ECF No. 32]. No party filed objections to the Report and Recommendation, and the deadline for filing such objections has passed. Having reviewed the Report and Recommendation, the parties' submissions, and applicable law, the Court finds the Report and Recommendation to be well-reasoned. As Magistrate Judge Rath explained, the pretrial conference in this matter was scheduled for March 14, 2024, and the court mailed notice to Plaintiff at his last-known mailing address. The notice was not returned to the court as undeliverable. Plaintiff failed to appear at the pretrial

conference, and the court docket reflects no filing or communication from him since his failure to appear. Magistrate Judge Rath finds that Plaintiff no longer demonstrates interest in prosecuting his claims and recommends that the matter be dismissed as moot. [ECF No. 32] at 3. The Court agrees.

Where no party objects to the magistrate judge's report and recommendation and the report contains a warning about the consequences of failing to object(as this report does), the Court is not required to perform a *de novo* review of the magistrate judge's determination. In such cases, the standard of review is whether the report and recommendation is clearly erroneous or contrary to law. Quinn v. Guerrero, 863 F.3d 353, 358 (5th Cir. 2017) (" ... a party is not entitled *de novo* review after failing to file written objections to the magistrate judge's R&R within a certain period of time.")

Finding no clear error in the Report and Recommendation and not finding it contrary to law,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [ECF No. 32] is **ADOPTED** as the findings and conclusions of this Court; and

IT IS FURTHER ORDERED that the Complaint [ECF No. 1] is **DISMISSED** without prejudice for failure to prosecute.

A separate judgment will be entered in accordance with
Federal Rule of Civil Procedure 58.

SO ORDERED this the 21st day of May 2024.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE